

REMARKS

In the Final Office Action,¹ the Examiner rejected claims 9 and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,537,314 to Kanter ("*Kanter*") in view of U.S. Patent No. 6,594,640 to Postrel ("*Postrel*"), U.S. Publication No. 2001/0037453 to Mitty et al. ("*Mitty*"), and U.S. Patent No. 6,718,468 to Challenger et al. ("*Challenger*").

Applicant respectfully traverses the rejection.

Independent claim 9 recites a point transfer system wherein, for example, "the financial network is connected to a customer account belonging to the customer, service provider accounts corresponding to the service providers, a point transfer dealer account belonging to the point transfer dealer system for storing money transferred from the service provider accounts based on the issued points, and a pool account for temporarily storing money transferred from the point transfer dealer account to be transferred to the customer account during the point transfer based on the redeemed points."

Therefore, the point transfer system of claim 9 includes (1) service provider accounts, (2) point transfer dealer account, (3) pool account, and (4) customer account, all for storing money. When points are issued by one or more service providers, money (amount based on the number of issued points) is transferred from corresponding one or more service provider accounts to the point transfer dealer account. Then, the

¹ The Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement of characterization in the Final Office Action.

money is transferred from the point transfer dealer account to the pool account and is temporarily stored in the pool account until points are redeemed. When points are redeemed, money (amount based on number of redeemed points) is transferred from the pool account to the customer account. Accordingly, there are four accounts in the chain of money transfers.

The combination of *Kanter*, *Postrel*, *Mitty*, and *Challener* fail to teach or suggest the claimed features of the four types of accounts.

Kanter discloses that "wire transfer may occur . . . [from companies' bank] accounts 52, 54 . . . to [participants' bank] accounts 82, 84." *Kanter*, col. 22, line 65 to col. 23, line 2. Therefore, *Kanter* discloses a transfer of money directly from the company bank account to the participant bank account, bypassing any "point transfer dealer account" or "pool account," as recited in claim 9.

Alternatively, *Kanter* discloses that "amount may be . . . debited from the . . . company's . . . bank account 52, 54 and stored in [holding account] memory 78 until . . . when the . . . participant(s) attempt(s) to redeem the commission " (col. 21, line 67 to col. 22, line 6), and then "[w]ire transfer to a participant's bank account 82, 84 . . . may . . . occur from . . . [holding account] memory 78." *Kanter*, col. 22, ll. 61-64. In this alternative, there is one holding account 78 situated between the company bank account 52 and participant bank account 82.

The Examiner alleges that the holding account 78 of *Kanter* corresponds to the claimed "pool account." Final Office Action, at 10. Even if the holding account 78 of *Kanter* could correspond to the claimed "pool account," which Applicant does not concede, *Kanter* fails to teach or suggest the "point transfer dealer account," as recited

in claim 9. In other words, *Kanter* discloses only three money accounts in the chain of money transfers, whereas claim 9 includes four money accounts.

The Examiner also alleges that “the Central Control Center (Fig. 1, item 10) [of *Kanter*] functions as the point transfer dealer account.” Final Office Action, at 10. This is incorrect. The Central Control Center 10 of *Kanter* is not an account for storing money. See *Kanter*, Fig. 10.

The Examiner provides yet another alternative. The Examiner alleges that “the Financial/Lending institute (Fig. 1, item 92) [of *Kanter*] acts as the pool account . . . [and] the Holding Account (Fig. 1, item 78) [of *Kanter*] acts as the point transfer dealer account.” Final Office Action, at 10-11. If the Examiner’s allegations were correct, which it is not, then money would have to be transferred from the company bank account 52 to the holding account 78 to the financial institution 92 to the participant bank account 82. On the contrary, *Kanter* discloses that “[f]inancial institution 92 . . . may . . . transfer funds to [company’s bank] account 52, 54.” *Kanter*, col. 23, ll. 25-27. That is, in *Kanter*, money is being transferred in the opposite direction. Therefore, the financial institution of 92 of *Kanter* cannot correspond to the claimed “point transfer dealer account” or the “pool account.”

Postrel, *Mitty*, and *Challener* also fail to teach or suggest transfer of money from “the service provider accounts” to “the point transfer dealer account” to “the pool account” to “the customer account,” as recited in claim 9, and thus fail to cure the deficiencies of *Kanter*.

For at least the foregoing reasons, a *prima facie* case of obviousness has not been established with respect to claim 9. Claim 14, although different in scope from

claim 9, is allowable for at least the same reasons as claim 9. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 9 and 14 under 35 U.S.C. § 103(a).

Applicant respectfully requests that the Examiner enter the amendments under 37 C.F.R. § 1.116, placing claims 9 and 14 in condition for allowance. Applicant submits that the proposed amendments of claims 9 and 14 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this response should allow for immediate action by the Examiner.

Applicant further submits that the entry of the amendments would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing, Applicant respectfully requests reconsideration of this application and timely allowance of the pending claims.

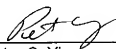
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____


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